

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL,  
HELD ON NOVEMBER 7, 2018 AT THE GRANTSVILLE CITY HALL, 429 EAST  
MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.**

**Mayor and Council Members Present:**

Mayor Brent Marshall

Krista Sparks

Scott Stice

Tom Tripp

Neil Critchlow

Jewel Allen

**Appointed Officers and Employees Present:**

Jacob Enslen, Police Chief

Brett Coombs, City Attorney

Christine Webb, City Recorder

Sherrie Broadbent, Finance Director

James Waltz, Public Works Director

**Citizens and Guests Present:**

Derek Ellis

Monte Kingston

Shawn Holste

Dale Sheffer

James Waltz

Todd Castagno

Craig Neeley

Shay Stark

Mitch Hall

Faye Hall

Todd Stewart

Mayor Marshall asked James Waltz to lead the Pledge of Allegiance.

**AGENDA:**

**1. Summary Action Items.**

- a. Approval of Minutes from the October 17, 2018 City Council Meeting.
- b. Approval of Bills in the amount of \$442,529.59.

Councilwoman Allen commented on receiving the minutes early to read through.

**Motion:** Councilwoman Allen made a motion to approve the summary action items. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**2. Discussion of a proposed concept plan for Tooele County Housing Authority, Deann Christiansen, and John Clay located at 445 E. Clark Street in the RM-7 and A-10 zones of the Blue Lakes Subdivision.**

Mayor Marshall explained DeAnn Christiansen had asked to have this tabled and put on the next agenda.

**Motion:** Councilman Tripp made a motion to table this item until a future meeting. Councilman Stice seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**3. Discussion of a proposed concept plan for Grantsville Property, LLC located at 1079 East SR112 in the RM-15 zone for the creation of 182 Townhome lots in the Davenport Crossing Subdivision.**

Todd Castagno represented Grantsville Property, LLC on this item. He stated this is a project they are dusting off from 2008 - 2009. He reported it was originally approved for 288 multi-family apartments. They would prefer to build townhomes instead of apartments. Mr. Castagno explained that he is working with Craig Neeley and Fire Marshal, Brad Clayton, on this development. He said they will have to bring this back as a P.U.D. because with townhomes you are just deeding the footprint of the property. They plan to have an HOA. The HOA would maintain all of the exterior of the buildings and the outside landscape including snow removal. Mr. Castagno stated they found out at the Planning Commission Meeting that the new P.U.D. ordinance requires fifty percent (50%) open space. They are at thirty-one (31%) open space. He said they are waiting for the development code so they can go through it and see what the possibilities are.

Councilman Stice asked where this is located. Mr. Castagno pointed out the location on the map. The multi-family is located on the south side of the curved line. Councilman Critchlow asked if this was the second phase. Mr. Castagno answered they had planned to bring on phase one of the multi-family and phase one of the single family together. Councilman Critchlow inquired how deep the front setbacks are. Mr. Castagno thought they were twenty-five feet (25') and the rear setbacks were what was required by the code.

Councilwoman Allen liked that they were decreasing the number of units. Councilman Tripp commented he saw one block of visitor parking and asked if that was all. Mr. Castagno stated they have parking at the clubhouse and they put some parking on an off-street. He noted that each unit is a three (3) bedroom and two and a half (2 ½) bath with an attached two (2) car garage. He added that technically each unit has four (4) parking spaces; two (2) in the garage and two (2) in the driveway. He felt there shouldn't be much need for off-street parking.

**4. Consideration of a minor subdivision for Dale and Pam Sheffer located at 264 N. Hale Street dividing 5.162 acres of land from one (1) lot into four (4) lots of the Hawker Subdivision, in the RM-7 and RR-1 zones.**

Dale Sheffer stated they bought the land with the intention of building homes for himself and his wife and their children. Mayor Marshall reminded the Council the last time they discussed this was to give the Sheffers some direction on how to proceed.

Councilman Stice asked Mr. Sheffer if he had known that this would fall under the major subdivision requirement, would he have purchased the land. Mr. Sheffer answered that he would have absolutely not bought the land. He stated they are pleading for a minor subdivision.

Councilwoman Allen asked if the Sheffers gave the proper information to the City to determine whether they would need the application for a minor or a major subdivision. Mr. Sheffer answered that they had no clue that they would need to do a subdivision. He thought they would buy the land and then divide it into four (4) pieces and let their kids build there. He said it was a surprise to him that it would be a subdivision process.

Councilwoman Allen expressed her concerns that this could set a precedent for other developments. Attorney Coombs reported the Council would need to detail the reasons they allowed this. Councilman Tripp asked if the reason listed could be due to poor employee performance. Mayor Marshall felt that was incorrect. He pointed out that she gave them the application she thought they needed based on the information they provided. He added that it is the property owners' responsibility to do their due diligence. Unless you were in the County Recorder's Office, there is no way you could know all the information on this property. Attorney Coombs explained that from a liability prospective the City cannot go and do individual research for people that come in with these applications.

Councilman Tripp suggested having a motion to look at this one to see how the City can raise this so it does not create precedence.

**Motion:** Councilman Tripp made a motion that they consider a minor subdivision for Dale and Pam Sheffer located at 264 N. Hale Street dividing 5.162 acres of land from one (1) lot into four (4) lots of the Hawker Subdivision, in the RM-7 and RR-1 zones

predicated that Attorney Coombs can craft something and then have it come before the Council as a summary action item for approval. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

**5. Consideration of approval of a development agreement for DRP Management & AW Hardy Family Investments on the Wells Crossing Subdivision.**

Monte Kingston and Derek Ellis represented this item for DRP Management & AW Hardy Family Investments. Mayor Marshall commented that he found some discrepancies in the proposed agreement. He said that after discussing the waterline with Craig Neeley, it is going to have to be a ten inch (10") line for fire flow. Shay Stark from Aqua Engineering pointed out that if NorthStar Ranch comes in before the line is in and wishes to upsize it, we will deal with it at that time. Mr. Kingston and Mr. Ellis stated they will install a ten-inch (10") line unless NorthStar Ranch wished to upsize the line.

Mayor Marshall stated the next item was the fencing to keep the cattle out. Mr. Kingston said they plan to put the fencing in. The road alignment to the Butler property will be four ways rather than three way intersections. Mayor Marshall asked Jesse Butler if that was alright with him. Mr. Butler said it would be; the road will jog. Mayor Marshall said they talked about Nygreen Road and eliminating a portion of it. They will take the funding that would have been there for the asphalt and using it to create the six foot (6') wide trail. Mr. Stark asked if they wanted to go to a five foot (5') wide trail and then be able to give credit towards the improvements. After discussion, they decided the trail will be switched to a five foot width to match the sidewalk. The Hale Street improvements will be put completed during Phase 2.

Mayor Marshall commented that one hang up is the park. Mr. Ellis felt that everyone wanted a five acre parcel for the park. They have tried to meet with the Grantsville Soil Conservation Board twice, but the board has not had enough present for a quorum. Mr. Ellis stated the board owes them two acres. So they know they will have two acres along Mormon Trail and the north area of the development. Mr. Kingston explained the Grantsville Soil Conservation did not think it would be a good idea to build the park on the south area. They suggested putting the park to the northwest area of the development. Councilman Stice felt that would be a good idea because it would keep the park away from Nygreen which is a collector street. Mayor Marshall preferred that they add a restroom for the park. Mr. Ellis stated he had three options. First, a half-acre pocket park inside the subdivision that would be fully improved. The second was a two acre park outside of the subdivision and they would take the balance of the funds they would have used on the half-acre pocket park and put in what the city wanted until the funds ran out. The third option would be to obtain five acres and dedicate it to the city to fulfil the park requirement. Councilwoman Allen commented on the acreage at Hollywood Park. She preferred to have the park developed. Mr. Ellis clarified that if they do the half-acre park within the subdivision, they have to add a restroom.

Mayor Marshall stated the last thing he had was that the developer shall require all construction traffic to use the Mormon Trail. Mr. Ellis will let the contractors know.

Shay Stark asked about the two-inch culinary water stubs. They are on the drawings and not in the development agreement. Mayor Marshall felt that will be sufficient. Mr. Stark commented on the overlay on Hale Street. Mayor Marshall said that will take place during phases 2 and 3.

**Motion:** Councilman Stice made a motion to approve the development agreement for DRP Management & AW Hardy Family Investments on the Wells Crossing Subdivision including all the amendments discussed and agreed to at the City Council Meeting. Councilman Tripp seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

**6. Consideration of a final plat for DRP Management & AW Hardy Family Investments on the Wells Crossing Subdivision Phase 1, located at approximately 630 S. Hale Street, for the creation of thirty (30) lots in the R-1-21 zone.**

Mr. Ellis clarified there are thirty-one (31) lots in Phase 1. That will allow them to get to Mormon Trail quicker. Councilman Critchlow asked if they were aware of the requirements from the Fire Marshal. Mr. Ellis and Mr. Kingston answered they had made the changes requested by Fire Marshal Clayton.

**Motion:** Councilman Stice made a motion to approve the final plat for DRP Management & AW Hardy Family Investments on the Wells Crossing Subdivision Phase 1, located at approximately 630 S. Hale Street, for the creation of thirty-one (31) lots in the R-1-21 zone. Councilwoman Allen seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

**7. Consideration of a final plat for CG Tooele, LLC and Howard Schmidt on the Cherry Grove Subdivision Phase D, which contains twenty-three (23) lots in the R-1-21 zone.**

Mayor Marshall stated he has not seen the development agreement on this. Mr. Schmidt explained they have been working through it. City Attorney Brett Coombs is still working on it. Mr. Coombs stated they have a draft in progress. It is expected to be completed next week. He plans to have it available by the middle of next week. There are many pieces and multiple parties involved in this development agreement. Mr. Stark explained the process they have been working on to draft the development agreement. He stated when the four parties see it, they are all going to want to make changes. Each party will have the opportunity to review it, and then meet to discuss the agreement.

**Motion:** Councilman Stice made a motion to table the final plat for CG Tooele, LLC and Howard Schmidt on the Cherry Grove Subdivision Phase D, which contains twenty-three (23) lots in the R-1-21 zone for two weeks (until the next meeting). Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**8. Discussion for clarification on the amendments adopted for the Land Use Management and Development Code.**

Mr. Stark provided copies of the Land Use Management and Development Code. He explained the City Council passed the amendments to the Land Use Management Code. The Council had discussed a three to one ratio for the front and rear setbacks. The concern was about flag lots. Mr. Stark did not have a problem with the ratio, but he suggested adding language stating that flag lots are not allowed. His other suggestion was to maintain the minimum widths of front and rear setbacks. Councilman Stice asked why a flag lot would not be affected by the three to one ration. Mr. Stark answered it was because when you have an odd shaped lot, you have to take averages. Councilman Stice commented that in their discussion they said the three to one ratio applies to straight lots. We would have something different for bends and cul-de-sacs. Mr. Stark reiterated that he was fine with the ratio if we could add the requirement there will be no flag lots.

Councilman Stice explained his thinking was that if a lot is 100 feet on the front, then you couldn't have a lot that is more than 300 feet long.

**9. Consideration of Ordinance 2018-20 amending Title 10 of the Grantsville City Code and adopting additional opt-in periods for recycling.**

Mayor Marshall said the Council had agreed to look at the recycling program during the budget. Mr. Coombs reported the Council was missing the first page of the ordinance. Mayor Marshall explained the first page contained the standard ordinance language. Councilman Stice stated he liked that we will give citizens a chance to opt-in. The Council felt the recycling program was probably on the way out.

Councilman Tripp explained that he was going to vote symbolically no, because we are requiring people to have a second garbage can. He added that he hates to have people pay money for something they are not doing. Councilwoman Allen commented that this was new information to her. She would like to study it. Mayor Marshall reported that he and Finance Director, Sherrie Broadbent, have been watching the costs on this program.

**Motion:** Councilwoman Allen made a motion to approve Ordinance 2018-20 amending Title 10 of the Grantsville City Code and adopting additional opt-in periods for recycling. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Nay”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

## **10. Discussion of adopting an ordinance regulating conditional zoning.**

Mayor Marshall reported that he attended training where he spoke with a reputable attorney about zoning for developers. It was recommended that a zone change be put in an ordinance with stipulations that a developer must accomplish certain things within a timeline. If the requirements are not completed within the timeline, then the zone reverts back to the original zoning. Zoning changes for commercial development take more time so you would need to extend the timeline.

Mr. Coombs stated he will create a new chapter in our city code that is just for zone changes. He said if they wanted to give themselves that option, then he would put it on the next agenda for them to create a new chapter. Mr. Stark commented that they will have to be very careful in using this. He said it is used in situations where you have a developer come to you that says they want to do something different. He said the critical point is that whatever is shown on the future land use map is followed.

## **11. Mayor and Council Reports.**

Mayor Marshall had a conference call on the water bond. The bond closing is scheduled for December 11<sup>th</sup>. Jones & Demille has completed the engineering drawings and will be submitting them. The Mayor attended the pre-drilling meeting with James Waltz, Glen Millward, Aqua Engineering, and Hydro-Resources on the north well. Drilling is expected to begin next week. He attended a water training session by Smith Hartvigsen with Brett Coombs and James Waltz. Mayor Marshall was part of the conference call on the sewer bond. The bonding is scheduled to take place on the same day as the water bond closing. The City Christmas party will be held on December 12<sup>th</sup> at Bonneville Brewery. You will need to rsvp so we can turn in the list of the dinner selections. The Mayor asked if the Council wished to purchase a turkey from the Turkey Show. He received an email from Ranked Choice Voting. He asked if the Council wished to have a resolution on the agenda for approval at the next meeting. The majority of the Council did not wish to vote on a resolution for Ranked Choice Voting. The Mayor asked if the Council wished to review a resolution on the Salt Lake Chamber Housing Gap. Councilwoman Allen recommended waiting until we complete the review of our General Plan. Mayor Marshall had a discussion with the rec grant committee on our grant for the pickle ball court. Because of contractor availability we have been unable to begin this project. He asked the committee if we can exchange the funds for replacing the bleachers at the ball field. The committee will allow us to submit with matching \$12,000 on the bleachers. The Council was willing to use the funds to replace the bleachers.

Councilwoman Sparks asked how the removal of cemetery items went. Mayor Marshall answered we have started the removal. Public Works Director, James Waltz reported that it has gone pretty smooth. They have the items that have been removed and are allowing family members to sign for the items and take them. Councilwoman Sparks extended congratulations to Tom Tripp on the election. She asked about a stop sign that showed

up in her neighborhood and asked who decides to place them. Mayor Marshall said he did not know the stop sign had been placed.

Councilman Stice congratulated Councilman Tripp. He said we hate to lose you, but you are needed at the County. Councilman Stice stated there is a citizen at the east end of town that has still not heard anything about his driveway that was disturbed by the gas line installation. He would like contact information to have the driveway repaired.

Councilman Tripp commented that HOAs have a history of problems. He felt there should be a development requirements. And if an HOA is expected to them to be involved to endow a development fund before they start selling homes. Councilman Tripp stated that he liked having a discussion on Mr. Castagno's concept plan, but he wondered if this was the right forum to do so. Mayor Marshall said it might have been better if we had scheduled a work meeting. Councilwoman Sparks commented that she thought that was part of the DRC. Councilman Tripp felt the Council is receiving excessive information in the packets on some items. He expressed appreciation for the sentiments. He said Grantsville has been a pleasure to work with and he still has a few more meetings, so don't say goodbye yet.

Councilwoman Allen congratulated Councilman Tripp. She reported that the Historic Preservation Commission (HPC) plans to be apply for grants beginning in January. She said while looking at the bills, we have the roof for the Donner Reed Museum. She wanted to make sure that when we are applying for grants, hopefully funding like that qualifies as our match. Mrs. Broadbent explained that money is part of a grant; we have grant money that we are spending already. She told Councilwoman Allen that if she can be kept in the loop, then they will not be duplicating grants. Councilwoman Allen said she appreciated the Sheffers and their patience. She asked if there is a checklist for regular citizens when applying for a subdivision. The HPC will meet again in January to decide on what they are applying for; please provide information or suggestions.

Councilman Critchlow did a fire education at the elementary school. He reported the Fire Department held an open house. Councilman Critchlow stated he had a question for Mr. Waltz about the cemetery and would talk to him after the meeting or the next day. He wanted to make sure that people got their stuff back.

## **12. Public Comments.**

No comments were offered.

## **13. Closed Session (Personnel, Real Estate, Imminent Litigation).**

**Motion:** Councilman Stice made a motion to go into a closed session. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Stice, "Aye", and



Approved

Councilwoman Sparks, “Aye”. The motion carried and the Council went into a closed session at 9:08 p.m.

Those in attendance were: Mayor Marshall, Councilwoman Sparks, Councilman Stice, Councilman Tripp, Councilwoman Allen, Councilman Critchlow, Sherrie Broadbent, James Waltz, Craig Neeley, Shay Stark, Brett Coombs, and Christine Webb.

**Motion:** Councilman Tripp made a motion to go back into an open session. Councilman Stice seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

#### **14. Adjourn.**

**Motion:** Councilwoman Allen made a motion to adjourn. Councilwoman Sparks seconded the motion. The meeting was adjourned at 10:00 p.m.